



AGENDA
RIO DELL PLANNING COMMISSION
"VIRTUAL" REGULAR MEETING
TUESDAY, MARCH 23, 2021 – 6:30 P.M.
CITY HALL COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME.... Copies of this agenda, staff reports and other material available to the Commission are available at the City Clerk's office in City Hall, 675 Wildwood Avenue and on the City's website at www.cityofriodell.ca.gov. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell Planning Commission meetings often.

**SPECIAL PUBLIC HEALTH EMERGENCY ALTERATIONS TO MEETING FORMAT
CORONAVIRUS (COVID-19)**

Due to the unprecedented public health threats posed by COVID-19 and the resultant need for social distancing, changes to the City Council and Planning Commission format are required. Executive Order N-25-20 and N-29-20 from Governor Gavin Newsom allow for telephonic Planning Commission meetings and waives in-person accessibility for Planning Commission meetings, provided that there are other means for the public to participate. Therefore, and effective immediately, and continuing only during the period in which state or local public health officials have imposed or recommended social distancing measures, the City Council and the Rio Dell Planning Commission will only be holding "virtual" meetings.

Public Comment by Email:

In balancing the health risks associated with COVID-19 and need to conduct government in an open and transparent manner, public comment on agenda items can be submitted via email at publiccomment@cityofriodell.ca.gov. Please note which project the comment is directed to and email your comments to the above email address. The City Clerk will read comments out loud, for up to three minutes and provide an immediate response to the comment(s).

Zoom Public Comment:

When the Chair announces the agenda item that you wish to comment on, call the conference line and turn off your TV or live stream. Please call the toll-free number **1-888-475-4499**, enter meeting ID **987-154-0944** and listen for the prompts to join the meeting. You will continue to hear the meeting on the call. When it is time for public comment on the item you wish to speak on, press star (*) 6 to unmute your phone. You will hear a prompt that will indicate your phone is unmuted. Please state your name and begin your comment. You will have 3 minutes to comment.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

E. CONSENT CALENDAR

- 1) 2021/0323.01 - Approve Minutes of the March 9, 2021 Special Meeting
(ACTION)

F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. As such, a dialogue with the Commission or staff is not allowed under the Ralph M. Brown Act. Items requiring Commission action not listed on this agenda may be placed on the next regular agenda for consideration if the Commission directs, unless a finding is made by at least 2/3rds of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action.

Due to the COVID-19 situation public comment must be submitted via email at publiccomment@cityofriodell.ca.gov. Your comments will be read out loud, for up to three minutes.

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 1) 2021/0323.02 - **Resolution No. PC-160-2021** recommending the City Council amend Section 17.20.070 of the Rio Dell Municipal Code and Table 1-2 of the Land Use Plan Related to Commercial Cannabis Agriculture Structures
(ACTION) 1
- 2) 2021/0323.03 - **Resolution No. PC 161-2021** recommending the City Council establish Industrial Hemp Regulations banning the Cultivation of Industrial Hemp in the City, Section 17.30.180 of the Rio Dell Municipal Code and Renumbering General Provisions and Exceptions Section 17.30.010 – 17.30.370 to accommodate the Proposed Industrial Hemp Regulations
(ACTION) 15

H. STAFF COMMUNICATIONS

I. ADJOURNMENT



In compliance with the American with Disabilities Act (ADA), if you need Special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.


***The next Regular Planning Commission meeting is scheduled for
April 27, 2021 at 6:30 p.m.***


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: March 23, 2021
☐ Consent Item; ☒ Public Hearing Item

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: March 15, 2021

Subject: Text Amendment; Maximum Lot Coverage in the Rural Designation

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding amending Section/Table 17.20.070, of the Rio Dell Municipal Code and Table 1-2 of the Land Use Plan, to exclude agricultural structures in the lot coverage calculation, provided that the applicant executes a Surety Bond for the removal of all but one of the approved greenhouses after two years of no commercial use of the structures; and
2. Open the public hearing, receive public input and deliberate; and
3. Adopt Resolution No. PC 160-2021 recommending that the City Council amend Section/Table 17.20.070, of the Rio Dell Municipal Code and Table 1-2 of the Land Use Plan, to exclude commercial cannabis agricultural structures in the lot coverage calculation, provided that the applicant executes a Surety Bond to ensure the removal of all abandoned greenhouses on concrete slabs so as not to exceed the 10% lot coverage within two years of the cessation of commercial cannabis activities.

Background and Discussion

Staff recently discovered that the City's Rural (R) zoning and land use designation limits lot coverage to 10%. **See Attachment 1.** Staff believed the allowable lot coverage of the Rural designation was identical to the Natural Resource (NR) designation. The Natural Resource designation requires a minimum open space of 10%, equating to maximum lot coverage of 90%. **See Attachment 2.**

It's staff's opinion that the intent of the 10% maximum lot coverage was likely intended for residential buildings on the property and not intended to apply to agricultural structures including greenhouses, barns, covered riding arenas, etc. However, because it is not clear, staff is recommending that the language be amended.

As the Commission is aware commercial cannabis activities are allowed up on the Dinsmore Plateau with a Conditional Use Permit (CUP). The vast majority of the Dinsmore Plateaus is designated Rural. Open field, outdoor cultivation is not allowed. All commercial cannabis activities must occur in a greenhouse or indoors. There are a number of commercial cannabis famers interested in permitting mixed-light greenhouse commercial cultivation up on the Dinsmore Plateau.

The Dinsmore Plateau flat comprises approximately 80 acres. A five-acre (217,800 square feet) average minimum parcel size is required for the Rural designation. The 10% maximum lot coverage limits the lot coverage to 21,780 square feet. Furthermore, assuming one developed a 2,400 square foot house, a 720 square foot garage and 720 square foot shop, which totals 3,840 square feet, the available area for agricultural structures would be further be reduced to approximately 17,940 square feet.

The required setbacks, 20 feet all around, reduce the lot coverage or buildable area by about 18%.

Applying the 10% maximum lot coverage would limit the Plateau to somewhere between 6 and 7 acres of commercial cannabis cultivation, horticulture/floriculture once the drying/processing facilities and potential residences and accessory structures are built.

Of course, the primary reason the City chose to allow commercial cannabis cultivation on the Dinsmore Plateau was to generate tax revenue.

Options

1. Take no action.
2. Increase lot coverage to 25% total including residential and agricultural structures.
3. Increase lot coverage to 50% total including residential and agricultural structures.

- 4, Limit residential development to 5% lot coverage and agricultural structures to 55%.
5. Do not include agricultural structures with open floors in the lot coverage calculation
6. Do not include agricultural structures in the lot coverage calculation, provided that the applicant executes a Surety Bond for the removal of all but one of the approved greenhouses after two years of no commercial use of the structures. **RECOMMENDED OPTION.**

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.35.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.35.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.35.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.

- The City Council shall not make any substantive change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Zone Amendment Required Findings:

1. The proposed amendment is in the public interest.

Staff believes the recommended changes are in the public interest for the following reasons:

- General agriculture, including horticulture and floriculture are desired principally permitted uses; and
- The proposed amendments will facilitate additional agricultural activities; and
- The proposed amendments will not convert prime agricultural lands from agricultural uses to non-agricultural uses; and
- The proposed amendments will facilitate additional cannabis cultivation activities, including the generation of taxes. These taxes are used for capital projects, including street and drainage improvements, police services, code enforcement economic development and other uses as determined by the City Council.

2. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

As previously indicated the Table 1-2 of the Land Use Element of the General Plan must be amended as well. See below:

Designation	Permitted Uses	Minimum Lot Size	Open Space	Density	Building Height
Rural (R)	<ul style="list-style-type: none"> ● Agricultural uses including crop production and animal grazing. ● Residential uses including detached residential units and live-work units. ● Limited commercial uses including retail sales of items produced on the property and nurseries and greenhouses as accessory uses. 	5 acres average	90% ¹	.2 units per net acre plus 1 secondary dwelling unit per lot	Maximum 3 stories, or 45 feet.

	<ul style="list-style-type: none"> ● Limited office uses including professional services in a residential building. ● Limited lodging uses including bed and breakfast inns and rooming houses in a residential unit or in an accessory building. ● Civic and cultural uses including parks. 				
¹ Open space requirements are not intended to apply to agricultural structures with open floors including greenhouses, barns, covered riding arenas, etc. All commercial cannabis cultivators will be required to submit a Surety Bond to ensure the removal of all abandoned greenhouses on concrete slabs so as not to exceed the 10% lot coverage within two years of the cessation of commercial cannabis activities.					

The proposed amendment is consistent with the following Land Use Element Policies of the General Plan:

LU-17 Strengthen and diversify the local economy and maintain and improve property values;

The proposed text amendment will certainly enhance and diversify the local economy by giving the investors a reasonable return on their investment. The value of the property is currently limited by the 10% lot coverage. For example, a five-acre parcel is currently limited to 21,780 square feet of lot coverage. About 18,000 square feet would be available for cultivation. If the proposed amendment is approved the cultivation potential increase to about 175,000 square feet. This would certainly increase property values.

LU-21 Encourage the creation and retention of employment opportunities that provide sustainable wages and benefits for Rio Dell residents by promoting a thriving local retail, personal services and commercial sector.

As previously indicated without the proposed amendment, the 10% maximum lot coverage would limit the Plateau to somewhere between 6 and 7 acres of cultivation and support facilities. The recommended amendment may increase the cultivation are to around 50 acres, creating approximately eight-times more jobs. Half-acre grows typically employ 2 full time employees. As such it is estimated that 6 or 7 acres of cultivation would employ approximately 12-15 people. If the amendment were approved and 50+/- acres were ultimately cultivated, those operations could provide around 100 full-time jobs, provided the operations were year-round mixed-light.

These jobs will not only increase local employment opportunities, but will also contribute to our local retail sector (i.e. stores, restaurants, bars, gas stations, etc.)

The only General Plan Conservation/Open Space Element contains the following Goal and Policy:

Goal CO 5.3-1

Conserve and protect working agricultural lands within and adjacent to the City.

Policy CO 5.3-1

Encourage clustered development on the Dinsmore Plateau and consider density bonuses for development on or adjacent to prime agricultural lands.

The recommended option to not include agricultural structures in the lot coverage calculation will actually increase agricultural activities on the Dinsmore Plateau.

Staff is not aware of any General Plan policies that are contrary to the recommended amendment.

3. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Based on the nature of the project, staff has determined that the project is Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general "Common Sense" rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Based on the nature of the proposed amendment, staff believes there is no evidence that the project will result in a significant, substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. Findings in support of the determination include:

- General agriculture, including horticulture and floriculture are desired principally permitted uses; and
- The proposed amendments will facilitate additional agricultural activities; and
- The proposed amendments will not convert prime agricultural lands from agricultural uses to non-agricultural uses; and
- The proposed amendments do not exempt potential projects from the City's Environmentally Sensitive Habitat Area (ESHA) regulations; and
- There are no mapped Streamside Management Areas on the Dinsmore Plateau flat; and

- There are two mapped wetlands on-site. One mapped wetland is actually a man-made rain catchment pond. The other mapped wetland is subject to the City's Environmentally Sensitive Habitat Area (ESHA) regulations; and
- All cannabis activities are required to obtain a Conditional Use Permit; and
- Commercial uses including retail sales of items produced on the property, nurseries and greenhouses are required to obtain a Conditional Use Permit; and
- A Cultural Resource Study (CRS) was conducted on the flat and one artifact was found. Future development may require an addendum to the CRS depending on the location and comments from the local tribes; and
- All commercial cannabis cultivators will be required to submit a Surety Bond to ensure the removal of all abandoned greenhouses on concrete slabs so as not to exceed the 10% lot coverage within two years of the cessation of commercial cannabis activities.

Attachments:

Attachment 1: Rural (R) Designation Development Standards.

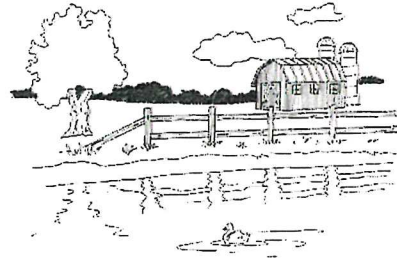
Attachment 2: Natural Resource (NR) Designation Development Standards.

Attachment 3: Resolution No. PC 160-2021 recommending that the City Council amend the existing Lot Coverage limits in the Rural (R) zone and land use plan designations.

Rio Dell Municipal Code

17.20.070 Rural or R zone.

The Rural or R zone is intended to provide for agricultural and very low density residential uses. The following regulations shall apply in all Rural or R zones:



(1) Principal Permitted Uses.

- (a) General agricultural uses, including crop production and animal grazing;
- (b) Farm dwellings, including detached residential dwelling units.

(2) Uses Permitted with a Use Permit.

- (a) Commercial uses, including retail sales of items produced on the property, nurseries and greenhouses;
 - (b) Lodging uses, including bed and breakfast inns and rooming and boarding houses in a residential unit or in accessory building;
 - (c) Animal feed yards and sales yards;
 - (d) Agricultural products processing plants;
 - (e) Rental and sales of irrigation equipment and storage incidental thereto;
 - (f) Animal hospitals;
 - (g) Civic and cultural uses, including parks.
 - (h) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.
- (3) Other Regulations. See Table 17.20.070 for development standards in the Rural (R) zone.

Table 17.20.070
Development Standards in the Rural or R Zone

Site Development Standard		Zone Requirement
Minimum Lot Area:	5 acres	
Maximum Ground Coverage:	10%	
Minimum Lot Width:	100 ft.	
Minimum Yard		
Front:	20 ft.	
Rear:	20 ft.	
Side:	20 ft.	
Maximum Building Height:	3 stories or 45 feet [Ord. 252 § 4.15, 2004.]	



**Development Standards
Natural Resource or NR zone.
Section 17.20.120 RDMC**

The primary purpose of the natural resource zone is to provide natural resource protection.

(1) Principal Permitted Uses.

- (a) Resource protection;
- (b) Public recreation where compatible with resource management and protection;
- (c) Management for fish and wildlife habitat; and
- (d) Wetland/watershed restoration.

(2) Uses Permitted with a Use Permit.

- (a) Timber production (with TPZ overlay zone);
- (b) Aggregate resources production;
- (c) Visitor-serving use; and
- (d) Renewable energy development.

(3) Other Regulations. See Table 17.20.120 for development standards for the natural resource (NR) zone.

Table 17.20.120 Development Standards in the
Natural Resource or NR Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	Not applicable
Maximum Ground Coverage:	Not applicable
Floor Area Ratio (FAR):	Not applicable
Minimum Lot Width:	Not applicable
Minimum Open Space:	10%
Minimum Yard	
Front:	25 feet
Rear:	25 feet
Side:	10 feet
Maximum Building Height:	2 stories or 35 feet

[Ord. 256 § 1 (Att. B), 2008; Ord. 252 § 4.13, 2004.]

RESOLUTION NO. PC 160-2021



A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL RECOMMENDING THAT THE CITY COUNCIL AMEND THE EXISTING RURAL ZONING AND LAND USE DESIGNATIONS SECTION/TABLE 17.20.070, OF THE RIO DELL MUNICIPAL CODE AND TABLE 1-2 OF THE LAND USE PLAN, TO EXCLUDE COMMERCIAL CANNABIS AGRICULTURAL STRUCTURES IN THE LOT COVERAGE CALCULATION, PROVIDED THAT THE APPLICANT EXECUTES A SURETY BOND TO ENSURE THE REMOVAL OF ALL ABANDONED GREENHOUSES ON CONCRETE SLABS SO AS NOT TO EXCEED THE 10% LOT COVERAGE WITHIN TWO YEARS OF THE CESSATION OF COMMERCIAL CANNABIS ACTIVITIES.

WHEREAS, staff recently discovered that the City's Rural (R) zoning and land use designation limits lot coverage to 10%; and

WHEREAS, staff believed the allowable lot coverage of the Rural designation was identical to the Natural Resource (NR) designation; and

WHEREAS, the Natural Resource designation requires a minimum open space of 10%, equating to maximum lot coverage of 90%; and

WHEREAS, it's staff's opinion that the intent of the 10% maximum lot coverage was likely intended for residential buildings on the property and not intended to apply to agricultural structures including greenhouses, barns, covered riding arenas, etc.; and

WHEREAS, commercial cannabis activities are allowed up on the Dinsmore Plateau with a Conditional Use Permit (CUP); and

WHEREAS, the vast majority of the Dinsmore Plateaus is designated Rural; and

WHEREAS, open field, outdoor cannabis cultivation is not allowed; and

WHEREAS, all commercial cannabis activities must occur in a greenhouse or indoors; and

WHEREAS, the Dinsmore Plateau flat comprises approximately 80 acres. A five-acre (217,800 square feet) average minimum parcel size is required for the Rural designation. The 10% maximum lot coverage limits the lot coverage to 21,780 square feet; and

WHEREAS, assuming one developed a 2,400 square foot house, a 720 square foot garage and 720 square foot shop, which totals 3,840 square feet, the available area for agricultural structures would be further be reduced to approximately 17,940 square feet; and

WHEREAS, the required setbacks, 20 feet all around, reduce the lot coverage or buildable area by 39,600 square feet or about 18%; and

WHEREAS, applying the 10% maximum lot coverage would limit the Plateau to somewhere between 6 and 7 acres of commercial cannabis cultivation, horticulture/floriculture once the drying/processing facilities and potential residences and accessory structures are built; and

WHEREAS, the primary reason the City chose to allow commercial cannabis cultivation on the Dinsmore Plateau was to generate tax revenue; and

WHEREAS the City has reviewed and processed the proposed text amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Section 17.35.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are in the public interest and consistent and compatible with the General Plan and any implementation programs that may be affected; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell finds that:

1. The proposed amendments are in the public interest and consistent with the General Plan and any applicable specific plan; and

2. The proposed amendments are Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations because:

- General agriculture, including horticulture and floriculture are desired principally permitted uses; and
- The proposed amendments will facilitate additional agricultural activities; and
- The proposed amendments will not convert prime agricultural lands from agricultural uses to non-agricultural uses; and
- The proposed amendments do not exempt potential projects from the City's Environmentally Sensitive Habitat Area (ESHA) regulations; and
- There are no mapped Streamside Management Areas on the Dinsmore Plateau flat; and
- There are two mapped wetlands on-site. One mapped wetland is actually a man-made rain catchment pond. The other mapped wetland is subject to the City's Environmentally Sensitive Habitat Area (ESHA) regulations; and
- All cannabis activities are required to obtain a Conditional Use Permit; and
- Commercial uses including retail sales of items produced on the property, nurseries and greenhouses are required to obtain a Conditional Use Permit; and
- A Cultural Resource Study (CRS) was conducted on the flat and one artifact was found. Future development may require an addendum to the CRS depending on the location and comments from the local tribes; and
- All commercial cannabis cultivators will be required to submit a Surety Bond to ensure the removal of all abandoned greenhouses on concrete slabs so as not to exceed the 10% lot coverage within two years of the cessation of commercial cannabis activities.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Rio Dell recommends that the City Council approve the proposed amendments.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on March 23, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff, Chairperson

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 160-2021 which was adopted by the Planning Commission of the City of Rio Dell on March 23, 2021.


Karen Dunham, City Clerk, City of Rio Dell


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: March 23, 2021
☐ Consent Item; ☒ Public Hearing Item

To: Planning Commission

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: March 16, 2021

Subject: Establishment of Industrial Hemp Regulations banning the cultivation of Industrial Hemp in the City, Section 17.30.180 of the Rio Dell Municipal Code and Renumbering General Provisions and Exceptions, Sections 17.30.010 – 17.30.370 to Accommodate the Proposed Industrial Hemp Regulations.

Recommendation:

That the Planning Commission:

1. Receive staff's report regarding establishing Industrial Hemp Regulations banning the cultivation of Industrial Hemp in the City, Section 17.30.180 of the Rio Dell Municipal Code and Renumbering General Provisions and Exceptions, Sections 17.30.010 – 17.30.370 to accommodate the proposed Industrial Hemp Regulations; and
2. Open the public hearing, receive public input and deliberate; and
3. Adopt Resolution No. PC 161-2021 recommending that the City Council establish Industrial Hemp Regulations banning the cultivation of Industrial Hemp in the City, Section 17.30.180 of the Rio Dell Municipal Code and Renumbering General Provisions and Exceptions, Sections 17.30.010 – 17.30.370 to accommodate the proposed Industrial Hemp Regulations;

Background and Discussion

New Federal law allowing cultivation of Industrial Hemp in 2019 was viewed by many locally as a potential new market for cannabis farmers to participate in, particularly small legacy cannabis farmers who opted out of the commercial cannabis industry due to the regulatory burdens and high costs of permitting.

The County of Humboldt recently adopted a ban on industrial hemp, primarily due to cannabis farmer's concerns regarding cross pollination and the introduction of new pests and pathogens.

Apparently, James Cortazar made application and received approval from the County's Agricultural Department, which regulates industrial hemp, for twenty (20) acres of cultivation of industrial hemp on the Dinsmore Plateau. Staff reached out to the owners of the one permitted farm, Rio's Diamond Farms and others who were either in the permitting process, were about to make application or were/are considering pursuing commercial cannabis permits on the Dinsmore Plateau. All expressed concerns regarding the possibility of cross pollination and the introduction of new pests and pathogens.

As the Planning Commission is aware, commercial cannabis cultivation is having a very positive impact on the City's financial resources. Staff shares the same concerns regarding cross pollination and the introduction of new pests and pathogens. An accidental cross pollination or the introduction of new pests and pathogens could have a tremendous negative impact on our local farmers, likely affecting their ability to pay their taxes. As such, staff is recommending that the City adopt a ban on industrial hemp.

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.35.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.35.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.

- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.35.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any substantive change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Zone Amendment Required Findings:

1. The proposed amendment is in the public interest.

Staff believes the recommended changes are in the public interest for the following reasons:

- A ban would protect our cannabis farmers from potential of cross pollination and the introduction of new pests and pathogens that would adversely impact our farmers crops and investments; and
- An accidental cross pollination or the introduction of new pests or pathogens could have a tremendous negative impact on our local farmers, likely affecting their ability to pay their taxes, affecting the City's expected tax revenue.

2. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

There are no policies which are in conflict with the recommended ban on cultivation of industrial hemp in the City.

3. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

This project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Sections 15050(c)(2) and 15060(c)(3) of the CEQA Guidelines, which states an activity is not subject to CEQA when it will not result in a physical change to the environment either directly or indirectly.

Attachments

- Attachment 1: Resolution No. PC 161-2021 recommending that the City Council establish Industrial Hemp Regulations, banning the cultivation of Industrial Hemp in the City, Section 17.30.180 of the Rio Dell Municipal Code and Renumbering General Provisions and Exceptions, Sections 17.30.010 – 17.30.370 to accommodate the proposed Industrial Hemp Regulations.
- Attachment 2: Draft Ordinance No. 386-2021 establishing Industrial Hemp Regulations, banning the cultivation of Industrial Hemp in the City, Section 17.30.180 of the Rio Dell Municipal Code and Renumbering General Provisions and Exceptions, Sections 17.30.010 – 17.30.370 to accommodate the proposed Industrial Hemp Regulations.

RESOLUTION NO. PC 161-2021



**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
RECOMMENDING THAT THE CITY COUNCIL ESTABLISH INDUSTRIAL HEMP
REGULATIONS, BANNING THE CULTIVATION OF INDUSTRIAL HEMP IN THE CITY,
SECTION 17.30.180 OF THE RIO DELL MUNICIPAL CODE AND RENUMBERING
GENERAL PROVISIONS AND EXCEPTIONS, SECTIONS 17.30.010 – 17.30.370 TO
ACCOMMODATE THE PROPOSED INDUSTRIAL HEMP REGULATIONS.**

WHEREAS, a new Federal law allowing cultivation of Industrial Hemp in 2019 was viewed by many locally as a potential new market for cannabis farmers to participate in, particularly small legacy cannabis farmers who opted out of the commercial cannabis industry due to the regulatory burdens and high costs of permitting; and

WHEREAS, the County of Humboldt recently adopted a ban on industrial hemp, primarily due to cannabis farmer's concerns regarding cross pollination and the introduction of new pests and pathogens; and

WHEREAS, a local property owner made application and received approval from the County's Agricultural Department, which regulates industrial hemp, for twenty (20) acres of cultivation of industrial hemp on the Dinsmore Plateau; and

WHEREAS, staff reached out to the owners of the one permitted farm, Rio's Diamond Farms and others who were either in the permitting process, were about to make application or were/are considering pursuing commercial cannabis permits on the Dinsmore Plateau; and

WHEREAS, all expressed concerns regarding the possibility of cross pollination and the introduction of new pests and pathogens; and

ORDINANCE NO. 386-2021



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
ESTABLISHING INDUSTRIAL HEMP REGULATIONS, BANNING THE CULTIVATION
OF INDUSTRIAL HEMP IN THE CITY, SECTION 17.30.180 OF THE RIO DELL
MUNICIPAL CODE AND RENUMBERING GENERAL PROVISIONS AND EXCEPTIONS,
SECTIONS 17.30.010 – 17.30.370 TO ACCOMMODATE THE PROPOSED
INDUSTRIAL HEMP REGULATIONS.**

WHEREAS, a new Federal law allowing cultivation of Industrial Hemp in 2019 was viewed by many locally as a potential new market for cannabis farmers to participate in, particularly small legacy cannabis farmers who opted out of the commercial cannabis industry due to the regulatory burdens and high costs of permitting; and

WHEREAS, the County of Humboldt recently adopted a ban on industrial hemp, primarily due to cannabis farmer's concerns regarding cross pollination and the introduction of new pests and pathogens; and

WHEREAS, a local property owner made application and received approval from the County's Agricultural Department, which regulates industrial hemp, for twenty (20) acres of cultivation of industrial hemp on the Dinsmore Plateau; and

WHEREAS, staff reached out to the owners of the one permitted farm, Rio's Diamond Farms and others who were either in the permitting process, were about to make application or were/are considering pursuing commercial cannabis permits on the Dinsmore Plateau; and

WHEREAS, all expressed concerns regarding the possibility of cross pollination and the introduction of new pests and pathogens; and

WHEREAS, commercial cannabis cultivation is having a very positive impact on the City's financial resources; and

WHEREAS, staff shares the same concerns regarding cross pollination and the introduction of new pests and pathogens; and

WHEREAS, an accidental cross pollination or the introduction of new pests and pathogens could have a tremendous negative impact on our local farmers, likely affecting their ability to pay their taxes; and

WHEREAS, the City has reviewed and processed the proposed text amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS, the City has reviewed and processed the proposed amendments in conformance with Section 17.35.010 of the City of Rio Dell Municipal Code; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell finds that:

1. The proposed amendment is in the public interest.

- A ban would protect our cannabis farmers from potential of cross pollination and the introduction of new pests and pathogens that would adversely impact our farmers crops and investments; and
- An accidental cross pollination or the introduction of new pests or pathogens could have a tremendous negative impact on our local farmers, likely affecting their ability to pay their taxes, affecting the City's expected tax revenue.

2. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

There are no policies which are in conflict with the recommended ban on cultivation of industrial hemp in the City.

3. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

The proposed amendments are exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Sections 15050(c)(2) and 15060(c)(3) of the CEQA Guidelines, which states an activity is not subject to CEQA when it will not result in a physical change to the environment either directly or indirectly.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1.

Purpose of the Zoning Regulation Amendments

The Rio Dell Municipal Code is hereby amended to establish Industrial Hemp regulations and rennumbers Chapter 17.30, General Provisions and Exceptions, to accommodate the Industrial Hemp regulations.

Section 2. Industrial Hemp Land Use Regulations

Section 17.30.180, Industrial Hemp regulations, of the Rio Dell Municipal Code is hereby established as follows:

17.30.180 Industrial Hemp Land Use Regulations

(1) Purpose and Intent

The purpose of this Section is to establish land use regulations for the cultivation of Industrial Hemp and registration of Industrial Hemp cultivation sites within the Inland Area of the County of Humboldt which reduce negative impacts of Industrial Hemp Cultivation on our community and environment.

(2) Applicability and Interpretation

All facilities and activities involved in the cultivation of Industrial Hemp and registration of Industrial Hemp cultivation sites within the jurisdiction of the City of Rio Dell.

(3) Definitions

"Industrial Hemp": A crop agricultural product, whether growing or not, that is limited to types of the plant *Cannabis sativa Linnaeus* and any part of that plant, including the seeds of the plant and all derivatives, extracts, the resin extracted from any part of the plant, cannabinoids, isomers, acids, salts, and salts of isomers, with a delta-9 tetrahydrocannabinol (THC) concentration of no more than 0.3 percent on a dry weight basis.

(4) General Provisions Applicable to Industrial Hemp Cultivation and Registration of Industrial Hemp Cultivation Sites

(a) Cultivation of Industrial Hemp by any person or entity for any purpose is expressly prohibited in all zoning districts in the City of Rio Dell. Additionally, "Established Agricultural Research Institutions" as defined in Food and Agriculture Code section 81000, are similarly prohibited from cultivating Industrial Hemp for agricultural or academic research purposes.

(b) Acceptance of any application for or issuance of a registration, permit or entitlement, or approval of any type, that authorizes the establishment, operation, maintenance, development or construction of any facility or use for the purpose of the cultivation of Industrial Hemp is expressly prohibited in all zoning districts in the City of Rio Dell.

Section 3. Sections 17.30.010 – 17.30.350 are hereby renumbered and amended as follows:

Chapter 17.30 GENERAL PROVISIONS AND EXCEPTIONS

Section	Existing Provision	Section	Changes Provision
17.30.010	Applicability	17.30.010	Applicability
17.30.020	Accessory dwelling units	17.30.020	Accessory dwelling units
17.30.030	Accessory uses and buildings.	17.30.030	Accessory uses and buildings.
17.30.040	Adult entertainment.	17.30.040	Adult entertainment.
17.30.050	Airports.	17.30.050	Airports.
17.30.060	Animals and animal shelters.	17.30.060	Animals and animal shelters.
17.30.070	Assemblages of persons and vehicles.	17.30.070	Assemblages of persons and vehicles.
17.30.080	Camping.	17.30.080	Camping.
17.30.090	Commercial cannabis land use regulations.	17.30.090	Commercial cannabis land use regulations.
17.30.100	Cottage industry.	17.30.100	Cottage industry.
17.30.110	Density bonus.	17.30.110	Density bonus.

17.30.120	Emergency shelter/transitional housing regulations	17.30.120	Emergency shelter/transitional housing regulations
17.30.130	Environmentally sensitive habitat areas (ESHAs)	17.30.130	Environmentally sensitive habitat areas (ESHAs)
17.30.140	Fences, walls and screening.	17.30.140	Fences, walls and screening.
17.30.150	Flag lots.	17.30.150	Flag lots.
17.30.160	Flood zone regulations.	17.30.160	Flood zone regulations.
17.30.170	Home occupation businesses and address of convenience.	17.30.170	Home occupation businesses and address of convenience.
17.30.180	Lot size modifications.	17.30.180	Industrial hemp.
17.30.190	Manufactured/mobile homes on individual lots.	17.30.190	Lot size modifications.
17.30.200	Manufactured/mobile home park development standards.	17.30.200	Manufactured/mobile homes on individual lots.
17.30.210	Nonconforming uses.	17.30.210	Manufactured/mobile home park development standards.
17.30.220	Parking regulations.	17.30.220	Nonconforming uses.
17.30.230	Parkland dedication.	17.30.230	Parking regulations.
17.30.240	Personal cannabis cultivation regulations.	17.30.240	Parkland dedication.
17.30.250	Public uses.	17.30.250	Personal cannabis cultivation regulations.
17.30.260	Public utility buildings and uses.	17.30.260	Public uses.
17.30.270	Quasi-public uses.	17.30.270	Public utility buildings and uses.
17.30.280	Recreational vehicle park development standards.	17.30.280	Quasi-public uses.
17.30.290	Removal of natural materials.	17.30.290	Recreational vehicle park development standards.
17.30.300	Second dwelling units.	17.30.300	Removal of natural materials.
17.30.310	Signs and nameplates.	17.30.310	Second dwelling units.
17.30.320	Street dedication and improvement.	17.30.320	Signs and nameplates.
17.30.330	Swimming pools.	17.30.330	Street dedication and improvement.
17.30.340	Tract offices.	17.30.340	Swimming pools.
17.30.350	Vacation dwelling units.	17.30.350	Tract offices.
17.30.360	Yards.	17.30.360	Vacation dwelling units.
		17.30.370	Yards.

Section 4. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 5. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 6. Effective Date

This ordinance becomes effective thirty (30) days after adoption.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the City Council of the City of Rio Dell on April 6, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 384-2021 which was adopted by the Planning Commission of the City of Rio Dell on April 6, 2021.

Karen Dunham, City Clerk, City of Rio Dell